

CAPTION: Docket No. 2007-2041-AIR-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rohm and Haas Texas Incorporated in Harris County; RN100223205; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Bryan Sinclair)

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-2041-AIR-E **TCEQ ID:** RN100223205 **CASE NO.:** 35135
RESPONDENT NAME: Rohm and Haas Texas Incorporated

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Rohm and Haas Texas Deer Park Plant, 1900 Tidal Road, Deer Park, Harris County

TYPE OF OPERATION: Chemical manufacturing plant

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-0156-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on July 7, 2008. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8931;
 Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Clifford Walk, Air Compliance Manager, Rohm and Haas Texas Incorporated, 1900 Tidal Road, Deer Park, Texas 77536
 Mr. Larry E. Schmid, Plant Manager, Rohm and Haas Texas Incorporated, 1900 Tidal Road, Deer Park, Texas 77536
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 17, 2007</p> <p>Date of NOV/NOE Relating to this Case: December 7, 2007 (NOE)</p> <p>Background Facts: This was a routine records review.</p> <p>AIR</p> <p>1) Failure to comply with the 0.27 pounds per hour ("lbs/hr") nitrogen oxides ("NOx") emission limit for emission point number ("EPN") N-12 [Air Permit No. 723, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to comply with the 0.27 lbs/hr NOx emission limit for EPN N-13 [Air Permit No. 723, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to comply with the 1.19 lbs/hr NOx emission limit for EPN N-14 [Air Permit No. 723, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to comply with the 0.47 lbs/hr NOx and 0.022 lbs/hr carbon monoxide ("CO") emission limits for EPN N-3 [Air Permit No. 723, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$81,400</p> <p>Total Deferred: \$16,280 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$32,560</p> <p>Total Paid to General Revenue: \$32,560</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit an administratively complete permit amendment application for the emissions from EPNs N-12, N-13, N-14, and N-3;</p> <p>b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>c. Within 240 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with the existing or amended permit limits for EPNs N-12, N-13, N-14, and N-3, or that operation has ceased until such time that appropriate authorization is obtained.</p> <p>d. The written certification required by Ordering Provision 2.c. shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance.</p>

Additional ID No(s): HG0632T

Attachment A
Docket Number: 2007-2041-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Rohm and Haas Texas Incorporated
Payable Penalty Amount:	Sixty-Five Thousand One Hundred Twenty Dollars (\$65,120)
SEP Amount:	Thirty-Two Thousand Five Hundred Sixty Dollars (\$32,560)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***.

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Attachment A
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES

Assigned
PCW10-Dec-2007
4-Apr-2008

Screening

20-Dec-2007

EPA Due

2-Sep-2008

RESPONDENT/FACILITY INFORMATION

Respondent Rohm and Haas Texas Incorporated
 Reg. Ent. Ref. No. RN100223205
 Facility/Site Region 12-Houston

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 35135
 Docket No. 2007-2041-AIR-E
 Media Program(s) Air
 Multi-Media
 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

No. of Violations 4
 Order Type 1660
 Enf. Coordinator Rebecca Johnson
 EC's Team Enforcement Team 5

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$20,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 307% Enhancement Subtotals 2, 3, & 7 \$61,400

Notes Penalty enhancement due to 20 Notices of Violations ("NOVs") issued for same or similar violations, 14 unrelated NOVs, 19 self-reported effluent discharge violations, four agreed orders with a denial of liability, one court order with a denial of liability, and one federal order without a denial of liability. Penalty reduction due to four Notices of Intent submitted.

Culpability No 0% Enhancement

Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer
 Extraordinary
 Ordinary
 N/A X (mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts \$1,450
 Approx. Cost of Compliance \$10,000
 0% Enhancement*
 *Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$81,400

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$81,400

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$81,400

DEFERRAL

20%

Reduction

Adjustment -\$16,280

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$65,120

Screening Date 20-Dec-2007

Docket No. 2007-2041-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 35135

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	20	100%
	Other written NOVs	33	66%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 307%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to 20 Notices of Violations ("NOVs") issued for same or similar violations, 14 unrelated NOVs, 19 self-reported effluent discharge violations, four agreed orders with a denial of liability, one court order with a denial of liability, and one federal order without a denial of liability. Penalty reduction due to four Notices of Intent submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 307%

Screening Date 20-Dec-2007		Docket No. 2007-2041-AIR-E		PCW		
Respondent Rohm and Haas Texas Incorporated		<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 35135		<small>PCW Revision November 6, 2007</small>				
Reg. Ent. Reference No. RN100223205						
Media [Statute] Air						
Enf. Coordinator Rebecca Johnson						
Violation Number		<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>				
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">Air Permit No. 723, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)</div>				
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to comply with the 0.27 pounds per hour ("lbs/hr") nitrogen oxides ("NOx") emission limit for emission point number ("EPN") N-12. Specifically, during a November 7, 2006 stack test the NOx emissions from EPN N-12 were 0.37 lbs/hr.</div>				
Base Penalty					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$10,000</div>	
>> Environmental, Property and Human Health Matrix						
OR	Harm			Percent	<div style="border: 1px solid black; padding: 2px; text-align: center;">25%</div>	
	Release	Major	Moderate			Minor
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			x
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
>> Programmatic Matrix						
Matrix Notes	Falsification			Percent	<div style="border: 1px solid black; padding: 2px; text-align: center;">0%</div>	
	Major	Moderate	Minor			
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
<div style="border: 1px solid black; padding: 2px;">Records subsequently reviewed showed emissions exceeding the 0.27 lbs/hr NOx emission limit for a total of 6,082 hours since the November 7, 2006 stack test resulting in human health and the environment being exposed to approximately 608 lbs of unauthorized NOx emissions as a result of the violation.</div>						
Adjustment					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$7,500</div>	
					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$2,500</div>	
Violation Events						
Number of Violation Events		<div style="border: 1px solid black; padding: 2px; text-align: center;">2</div>	Number of violation days		<div style="border: 1px solid black; padding: 2px; text-align: center;">254</div>	
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Violation Base Penalty <div style="border: 1px solid black; padding: 2px; text-align: center;">\$5,000</div>			
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	annual	x				
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
<div style="border: 1px solid black; padding: 2px;">Two annual events are recommended based on the exceedances that occurred from the November 7, 2006 stack test date to the December 20, 2007 screening date.</div>						
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px; text-align: center;">\$1,450</div>	Violation Final Penalty Total		<div style="border: 1px solid black; padding: 2px; text-align: center;">\$20,350</div>	
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$20,350</div>	

Economic Benefit Worksheet**Respondent** Rohm and Haas Texas Incorporated**Case ID No.** 35135**Reg. Ent. Reference No.** RN100223205**Media Air****Violation No. 1**

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	7-Nov-2006	2-Dec-2008	2.1	\$69	\$1,381	\$1,450
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a permit amendment for the additional emissions from the heaters or demonstrate compliance with the existing permit limits. Date required based on the date of the non-compliant stack test. Final date based on the projected compliance date.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance****\$10,000****TOTAL****\$1,450**

Screening Date 20-Dec-2007

Docket No. 2007-2041-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 35135

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s) Air Permit No. 723, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the 0.27 lbs/hr NOx emission limit for EPN N-13. Specifically, during a November 7, 2006 stack test the NOx emissions from EPN N-13 were 0.38 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Records subsequently reviewed showed emissions exceeding the 0.27 lbs/hr NOx emission limit for a total of 4,807 hours since the November 7, 2006 stack test resulting in human health and the environment being exposed to approximately 528 lbs of unauthorized NOx emissions as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

201 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$5,000

Two annual events are recommended based on the exceedances that occurred from the November 7, 2006 stack test date to the December 20, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$20,350

This violation Final Assessed Penalty (adjusted for limits) \$20,350

Economic Benefit Worksheet

Respondent Rohm and Haas Texas Incorporated
Case ID No. 35135
Reg. Ent. Reference No. RN100223205
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit for this violation included in Violation No. 1

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 20-Dec-2007

Docket No. 2007-2041-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 35135

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 3

Rule Cite(s) Air Permit No. 723, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the 1.19 lbs/hr NOx emission limit for EPN N-14. Specifically, during a November 7, 2006 stack test the NOx emissions from EPN N-14 were 1.54 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Records subsequently reviewed showed emissions exceeding the 1.19 lbs/hr NOx emission limit for a total of 7,555 hours since the November 7, 2006 stack test resulting in human health and the environment being exposed to approximately 2,644 lbs of unauthorized NOx emissions as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

315 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$5,000

Two annual events are recommended based on the exceedances that occurred from the November 7, 2006 stack test date to the December 20, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$20,350

This violation Final Assessed Penalty (adjusted for limits) \$20,350

Economic Benefit Worksheet**Respondent** Rohm and Haas Texas Incorporated**Case ID No.** 35135**Reg. Ent. Reference No.** RN100223205**Media Air****Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit for this violation included in Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 20-Dec-2007

Docket No. 2007-2041-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 35135

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 4

Rule Cite(s) Air Permit No. 723, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the 0.47 lbs/hr NOx and 0.022 lbs/hr carbon monoxide ("CO") emission limits for EPN N-3. Specifically, during a November 7, 2006 stack test the emissions from EPN N-3 were 0.52 lbs/hr of NOx and 0.68 lbs/hr of CO.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Records subsequently reviewed showed emissions exceeding the 0.47 lbs/hr NOx emission limit and 0.022 lbs/hr CO emission limit for a total of 7,914 hours since the November 7, 2006 stack test resulting in human health and the environment being exposed to approximately 395 lbs of unauthorized NOx emissions and 5,207 lbs of unauthorized CO emissions as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

330 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$5,000

Two annual events are recommended based on the exceedances that occurred from the November 7, 2006 stack test date to the December 20, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$20,350

This violation Final Assessed Penalty (adjusted for limits) \$20,350

Economic Benefit Worksheet**Respondent** Rohm and Haas Texas Incorporated**Case ID No.** 35135**Reg. Ent. Reference No.** RN100223205**Media** Air**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit for this violation included in Violation No. 1.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance** \$0**TOTAL** \$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600131395	Rohm and Haas Texas Incorporated	Classification: AVERAGE	Rating: 10.16
Regulated Entity:	RN100223205	ROHM AND HAAS TEXAS DEER PARK PLANT	Classification: AVERAGE	Site Rating: 4.65
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0632T	
	AIR OPERATING PERMITS	PERMIT	1583	
	AIR OPERATING PERMITS	PERMIT	2232	
	AIR OPERATING PERMITS	PERMIT	2233	
	AIR OPERATING PERMITS	PERMIT	2234	
	AIR OPERATING PERMITS	PERMIT	2235	
	AIR OPERATING PERMITS	PERMIT	2236	
	AIR OPERATING PERMITS	PERMIT	2237	
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0632T	
	WASTEWATER	PERMIT	WQ0000458000	
	WASTEWATER	PERMIT	TPDES0006084	
	WASTEWATER	PERMIT	TX0006084	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50102	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW078	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065096273	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30041	
	AIR NEW SOURCE PERMITS	PERMIT	N61	
	AIR NEW SOURCE PERMITS	PERMIT	52270	
	AIR NEW SOURCE PERMITS	PERMIT	54886	
	AIR NEW SOURCE PERMITS	REGISTRATION	54970	
	AIR NEW SOURCE PERMITS	REGISTRATION	54971	
	AIR NEW SOURCE PERMITS	REGISTRATION	75383	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX828	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX828M1	
	AIR NEW SOURCE PERMITS	PERMIT	55988	
	AIR NEW SOURCE PERMITS	PERMIT	50454	
	AIR NEW SOURCE PERMITS	REGISTRATION	72461	
	AIR NEW SOURCE PERMITS	REGISTRATION	73729	
	AIR NEW SOURCE PERMITS	REGISTRATION	74506	
	AIR NEW SOURCE PERMITS	REGISTRATION	74756	
	AIR NEW SOURCE PERMITS	REGISTRATION	73848	
	AIR NEW SOURCE PERMITS	REGISTRATION	74713	
	AIR NEW SOURCE PERMITS	PERMIT	73913	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX987	
	AIR NEW SOURCE PERMITS	REGISTRATION	77253	
	AIR NEW SOURCE PERMITS	REGISTRATION	77241	
	AIR NEW SOURCE PERMITS	PERMIT	54056	
	AIR NEW SOURCE PERMITS	PERMIT	77200	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0632T	
	AIR NEW SOURCE PERMITS	PERMIT	723	
	AIR NEW SOURCE PERMITS	PERMIT	751	
	AIR NEW SOURCE PERMITS	PERMIT	1257A	
	AIR NEW SOURCE PERMITS	PERMIT	1957	
	AIR NEW SOURCE PERMITS	PERMIT	2165	
	AIR NEW SOURCE PERMITS	PERMIT	4276	
	AIR NEW SOURCE PERMITS	PERMIT	5051	
	AIR NEW SOURCE PERMITS	PERMIT	5703	
	AIR NEW SOURCE PERMITS	PERMIT	5802	
	AIR NEW SOURCE PERMITS	PERMIT	6233	
	AIR NEW SOURCE PERMITS	PERMIT	6654	
	AIR NEW SOURCE PERMITS	PERMIT	6894	
	AIR NEW SOURCE PERMITS	PERMIT	7309	
	AIR NEW SOURCE PERMITS	PERMIT	7637	
	AIR NEW SOURCE PERMITS	PERMIT	7648	
	AIR NEW SOURCE PERMITS	PERMIT	8838	
	AIR NEW SOURCE PERMITS	PERMIT	10715	
	AIR NEW SOURCE PERMITS	PERMIT	11779	
	AIR NEW SOURCE PERMITS	PERMIT	13804	
	AIR NEW SOURCE PERMITS	PERMIT	17392	
	AIR NEW SOURCE PERMITS	PERMIT	17442	

AIR NEW SOURCE PERMITS	PERMIT	20901
AIR NEW SOURCE PERMITS	PERMIT	26728
AIR NEW SOURCE PERMITS	PERMIT	28728
AIR NEW SOURCE PERMITS	PERMIT	29010
AIR NEW SOURCE PERMITS	PERMIT	28913
AIR NEW SOURCE PERMITS	PERMIT	29705
AIR NEW SOURCE PERMITS	PERMIT	30727
AIR NEW SOURCE PERMITS	PERMIT	32069
AIR NEW SOURCE PERMITS	PERMIT	32671
AIR NEW SOURCE PERMITS	PERMIT	33817
AIR NEW SOURCE PERMITS	PERMIT	34654
AIR NEW SOURCE PERMITS	PERMIT	35142
AIR NEW SOURCE PERMITS	PERMIT	37086
AIR NEW SOURCE PERMITS	PERMIT	38913
AIR NEW SOURCE PERMITS	PERMIT	40134
AIR NEW SOURCE PERMITS	PERMIT	41356
AIR NEW SOURCE PERMITS	PERMIT	42170
AIR NEW SOURCE PERMITS	PERMIT	42737
AIR NEW SOURCE PERMITS	PERMIT	42914
AIR NEW SOURCE PERMITS	PERMIT	44595
AIR NEW SOURCE PERMITS	PERMIT	27131
AIR NEW SOURCE PERMITS	PERMIT	47480
AIR NEW SOURCE PERMITS	PERMIT	48921
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0632T
AIR NEW SOURCE PERMITS	AFS NUM	4820100034
AIR NEW SOURCE PERMITS	REGISTRATION	79126
AIR NEW SOURCE PERMITS	REGISTRATION	80267
AIR NEW SOURCE PERMITS	REGISTRATION	81342
AIR NEW SOURCE PERMITS	REGISTRATION	81248
AIR NEW SOURCE PERMITS	PERMIT	82008
AIR NEW SOURCE PERMITS	REGISTRATION	82086
AIR NEW SOURCE PERMITS	REGISTRATION	83418
AIR NEW SOURCE PERMITS	REGISTRATION	82947
AIR NEW SOURCE PERMITS	REGISTRATION	82957
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011717
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30041
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50102
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50102

Location: 1900 TIDAL RD, DEER PARK, TX, 77536

Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 17, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 10, 2002 to December 10, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Johnson Phone: (713) 422-8931

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 10/10/2003

ADMINORDER 2002-0871-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart NNN 60.665(l)

Rqmt Prov: SC 2C PERMIT

Description: Failure to submit the semi annual reports for the distillation column in the BMA unit for 1996-2000 and the first semi annual report for 2001.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart VV 60.487(a)

Rqmt Prov: SC 2B SP VV PERMIT

Description: Failure to submit the semi annual reports for fugitive monitoring of the BMA unit for 1996-2000 and the first semi annual report for 2001.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Part 63, Subpart H 63.181(c)

Description: Failure to maintain records of weekly visual inspections of the agitators.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105(b)

Description: Failure to properly prepare a description of maintenance procedures for the management of wastewater generated from the emptying and purging of the MMA column.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.241
Description: Failure to install a Stage II vapor recovery system.

Effective Date: 01/08/2005

ADMINORDER 2004-0146-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 751, Special Condition 1 PERMIT

Description: Rohm and Haas is alleged to have failed to comply with the permitted emission rate of 5.65 pounds per hour (lb/hr) of carbon monoxide and 0.37 lb/hr of volatile organic compounds (VOCs) for EPN 35-HR-5.

Effective Date: 11/06/2005

ADMINORDER 2003-0610-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 335, SubChapter E 335.112(a)(20)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1052(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1054(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1057(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(b)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2B, 7F, 7G, 8F, 8G PERMIT
SC 6A, 3C, 4F, 4G PERMIT

Description: A.8.c.(1)(G). Failure to monitor valves, pumps, connectors in MMA and BMA service at the HT/HT2 unit applicable to 40 CFR 60, Subpart VV and 40 CFR 63, Subpart H.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8838 SC 4E PA
Description: A8.c.(1)(B). Failure to cap/plug open ended lines at the HT/HT2 Unit.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(20)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1050(c)

Description: Failure to tag 357 equipment components for fugitive emissions monitoring.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to update information on the Notice of Registration to accurately reflect current status.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(20)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(b)

Description: Failure to calibrate equipment used for fugitive monitoring prior to monitoring on the same day.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 29010 SC2B, 7F, 7G, 8F, 8G PERMIT
Permit No. 8838 SC 6A, 3C, 4F, 4G PERMIT

Description: Failure to monitor pumps, connectors, and valves in methyl methacrylate (MMA) and BMA (butyl methacrylate) service at the P-North process unit.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prohibit an emission event by good design, operation, or maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.205(d)(1)
30 TAC Chapter 117, SubChapter E 117.520(c)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to have NOx control technology installed by November 15, 1999

Effective Date: 04/14/2006

ADMINORDER 2005-0152-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8838 General Condition PERMIT

Description: Failure to comply with the permitted emission limit of 0.25 pounds per hour of VOCs for emission point number HT-48 during a March 11, 2003 emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent an avoidable emissions event on December 26, 2003 which resulted in the unauthorized release of 2,132.66 pounds of VOCs from the B4 Reactor separator, which is not a permitted

source of emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the TCEQ of the December 26, 2003 emissions event within 24 hours of discovery.

Effective Date: 06/26/2007

COURTORDER

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent unauthorized emissions.

See addendum for information regarding federal actions.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	12/13/2002	(13575)
2	12/17/2002	(16788)
3	12/17/2002	(13042)
4	12/19/2002	(14732)
5	12/30/2002	(158812)
6	01/27/2003	(158816)
7	02/03/2003	(18613)
8	02/03/2003	(18762)
9	02/03/2003	(18816)
10	02/24/2003	(11315)
11	02/28/2003	(158777)
12	03/03/2003	(21762)
13	03/07/2003	(21378)
14	03/21/2003	(28504)
15	03/24/2003	(22902)
16	03/25/2003	(158780)
17	03/28/2003	(23431)
18	03/28/2003	(23409)
19	03/28/2003	(23412)
20	04/01/2003	(25900)
21	04/10/2003	(27120)
22	04/21/2003	(158785)
23	05/02/2003	(31406)
24	05/19/2003	(295659)
25	06/05/2003	(27380)
26	06/18/2003	(158792)
27	06/20/2003	(31926)
28	07/13/2003	(35393)
29	07/13/2003	(37899)
30	07/21/2003	(295674)
31	07/21/2003	(295665)
32	08/07/2003	(9883)
33	08/12/2003	(9872)
34	08/23/2003	(112801)
35	08/25/2003	(9892)
36	08/25/2003	(295667)
37	08/27/2003	(152220)
38	09/22/2003	(295669)
39	10/01/2003	(248901)
40	10/21/2003	(295671)
41	10/21/2003	(295673)
42	11/17/2003	(295672)
43	11/18/2003	(253653)
44	01/30/2004	(259388)

45	01/30/2004	(259393)
46	01/30/2004	(258824)
47	03/09/2004	(260143)
48	03/19/2004	(295656)
49	03/31/2004	(295654)
50	04/22/2004	(295657)
51	05/25/2004	(295660)
52	05/27/2004	(250191)
53	06/16/2004	(295662)
54	06/18/2004	(274191)
55	06/25/2004	(250192)
56	07/15/2004	(272466)
57	07/15/2004	(272468)
58	07/15/2004	(272394)
59	07/21/2004	(352218)
60	07/23/2004	(249701)
61	07/23/2004	(250189)
62	07/30/2004	(271912)
63	07/30/2004	(271899)
64	08/11/2004	(288434)
65	08/13/2004	(249700)
66	08/23/2004	(352219)
67	08/31/2004	(292541)
68	08/31/2004	(291114)
69	09/20/2004	(352220)
70	09/30/2004	(287515)
71	09/30/2004	(288333)
72	10/05/2004	(334482)
73	10/22/2004	(291603)
74	10/26/2004	(352221)
75	10/26/2004	(352223)
76	10/26/2004	(292548)
77	11/11/2004	(287014)
78	11/11/2004	(289842)
79	11/14/2004	(274431)
80	11/14/2004	(274450)
81	11/14/2004	(274440)
82	11/19/2004	(341406)
83	11/29/2004	(352222)
84	12/09/2004	(341434)
85	12/16/2004	(283988)
86	12/16/2004	(283962)
87	12/16/2004	(287555)
88	12/17/2004	(334284)
89	12/17/2004	(334282)
90	12/17/2004	(334283)
91	12/27/2004	(284899)
92	12/27/2004	(284888)
93	12/28/2004	(288285)
94	12/30/2004	(338299)
95	01/03/2005	(288453)
96	01/04/2005	(285144)
97	01/05/2005	(338809)
98	01/12/2005	(346448)
99	01/21/2005	(381891)
100	02/23/2005	(381889)
101	03/08/2005	(350487)
102	03/21/2005	(381890)
103	03/31/2005	(374351)
104	04/06/2005	(374353)
105	04/06/2005	(374352)
106	04/22/2005	(378240)
107	04/22/2005	(575399)
108	05/19/2005	(392626)
109	05/23/2005	(575401)
110	06/13/2005	(575403)
111	07/25/2005	(575406)

112	07/25/2005	(399258)
113	07/25/2005	(400493)
114	07/27/2005	(400167)
115	07/28/2005	(400627)
116	08/05/2005	(397806)
117	08/15/2005	(397447)
118	08/18/2005	(404307)
119	08/19/2005	(575409)
120	08/23/2005	(401938)
121	08/23/2005	(404914)
122	08/25/2005	(405924)
123	08/29/2005	(418394)
124	08/30/2005	(418292)
125	09/23/2005	(575411)
126	10/24/2005	(575413)
127	10/24/2005	(575417)
128	11/04/2005	(435818)
129	12/29/2005	(434384)
130	01/09/2006	(440229)
131	01/24/2006	(575419)
132	02/02/2006	(575415)
133	02/21/2006	(455168)
134	02/23/2006	(455895)
135	02/25/2006	(456937)
136	02/26/2006	(575395)
137	02/27/2006	(456637)
138	02/28/2006	(457142)
139	02/28/2006	(451371)
140	02/28/2006	(457254)
141	03/21/2006	(575397)
142	03/23/2006	(454725)
143	03/24/2006	(457097)
144	03/28/2006	(457110)
145	03/28/2006	(452624)
146	04/24/2006	(575400)
147	04/28/2006	(457469)
148	05/01/2006	(460108)
149	05/04/2006	(457447)
150	05/09/2006	(461424)
151	05/09/2006	(460949)
152	05/11/2006	(460513)
153	05/11/2006	(463554)
154	05/11/2006	(460471)
155	05/11/2006	(460733)
156	05/11/2006	(458324)
157	05/11/2006	(460912)
158	05/11/2006	(460844)
159	05/11/2006	(460393)
160	05/22/2006	(575402)
161	05/25/2006	(374855)
162	05/25/2006	(374902)
163	05/26/2006	(459923)
164	05/31/2006	(457270)
165	06/22/2006	(575404)
166	07/24/2006	(575407)
167	07/25/2006	(457457)
168	07/25/2006	(457453)
169	07/25/2006	(406106)
170	07/26/2006	(486614)
171	07/27/2006	(462714)
172	08/11/2006	(462093)
173	08/14/2006	(464411)
174	08/22/2006	(575410)
175	08/24/2006	(488546)
176	08/30/2006	(489426)
177	08/31/2006	(449984)
178	09/25/2006	(575412)

179	09/29/2006	(513039)
180	10/03/2006	(513582)
181	10/03/2006	(513239)
182	10/13/2006	(515313)
183	10/23/2006	(575414)
184	10/23/2006	(575418)
185	10/23/2006	(512670)
186	11/22/2006	(575416)
187	11/29/2006	(532188)
188	12/01/2006	(517786)
189	01/05/2007	(514335)
190	01/22/2007	(575420)
191	01/31/2007	(536331)
192	02/08/2007	(512671)
193	02/26/2007	(575396)
194	02/28/2007	(540141)
195	03/21/2007	(575398)
196	04/09/2007	(543775)
197	05/21/2007	(518229)
198	06/22/2007	(575405)
199	06/29/2007	(559790)
200	07/03/2007	(558379)
201	07/09/2007	(563232)
202	07/23/2007	(575408)
203	07/24/2007	(564927)
204	07/24/2007	(564923)
205	07/26/2007	(566593)
206	07/30/2007	(564812)
207	08/06/2007	(568518)
208	08/06/2007	(568496)
209	08/07/2007	(568014)
210	08/13/2007	(571023)
211	08/20/2007	(607561)
212	08/28/2007	(571222)
213	08/28/2007	(571662)
214	08/29/2007	(573463)
215	08/29/2007	(573797)
216	09/07/2007	(573866)
217	10/11/2007	(567756)
218	10/19/2007	(594212)
219	10/19/2007	(594214)
220	10/23/2007	(593473)
221	11/19/2007	(599953)
222	11/19/2007	(595510)
223	11/19/2007	(599927)
224	11/27/2007	(571470)
225	11/27/2007	(571463)
226	11/27/2007	(571447)
227	11/27/2007	(571485)
228	11/28/2007	(596222)
229	12/04/2007	(571415)
230	12/04/2007	(571481)
231	12/07/2007	(595796)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/31/2002 (158816)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/27/2003 (11315)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.6

30 TAC Chapter 319, SubChapter A 319.9(c)

Description: Failure to maintain documentation of laboratory quality control.

Date: 02/28/2003 (158780)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/12/2003 (21378)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)

Description: Failure to control emissions.

Date: 03/21/2003 (22902)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to prevent an emissions event which resulted in unauthorized emissions.

Date: 03/31/2003 (23412)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to close bleed valve which caused unauthorized emissions.

Date: 03/31/2003 (23409)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)

Description: Failure to report emissions event in a timely manner.

Date: 03/31/2003 (158785)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (295659)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2003 (158792)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/07/2003 (9883)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(5)

Description: Failure to include reason for delay of repair for the leaking fugitive monitoring component.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)

Description: Failure to conduct fugitive monitoring of 65 pumps during March 22, 2002.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)

Description: Failure to conduct fugitive monitoring of 5 agitators during March 2002.

Date: 08/31/2003 (295669)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2003 (295671)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2003 (295673)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2003 (295674)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2004 (295654)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2004 (295660)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2004 (295662)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/23/2004 (249701)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA 48921 SC No. 6E

Description: Failure to install a cap, blind flange, or plug on open ended lines or valves.

Date: 07/23/2004 (250189)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: Failure to record flare observations for N17 and N6 Flares during the annual compliance certification period of April 4, 2003 through April 3, 2004.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA TCEQ Air Permit No. 48922 SC No. 8

Description: Failure to maintain records of weekly sampling of safety vent stacks (EPN N-7 & N-8).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA 723 & PSD-TX-828 SC No. 9B

Description: Failure to tag leaking fugitive monitoring components during the annual compliance certification period of April 4, 2003 through April 3, 2004.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(C)

Description: Failure to re-monitor leaking fugitive monitoring components after the repairs are completed.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

Description: Failure to conduct first attempt repair for the leaking fugitive monitoring components within five (5) calendar days.

Date: 08/13/2004 (249700)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)

Description: Failure to submit compliance certification report within 30 days after the end of the certification period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: Failure to record time when the flare observation was made for SW-1 flare during annual compliance certification period.

Date: 10/31/2004 (352222)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/14/2004 (274431)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Exceeded VOC rule limit during an avoidable emissions event.

Date: 11/22/2004 (338299)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 8838, GC #8

Description: Failure to identify the function of process controllers.

Date: 11/30/2004 (352223)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/16/2004 (283988)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report the emissions event that occurred in the A/B Trains in a timely manner.

Date: 12/17/2004 (283962)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to report an emissions event in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 723 Special Condition 1

Description: Failure to prevent unauthorized emissions.

Date: 12/31/2004 (381891)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2005 (374351)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA Permit No. 8838, GC #8

Description: The emissions event initial notification was not submitted in a timely manner.

Date: 03/31/2005 (575399)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 04/06/2005 (374353)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA Permit No. 8838, GC No. 8
Description: The emissions event initial notification was not submitted in a timely manner.

Date: 04/06/2005 (374352)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA Permit No. 8838
Description: The emissions event initial notification was not submitted in a timely manner.

Date: 04/30/2005 (575401)
Self Report? YES **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/25/2005 (399258)
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: The facility failed to update its NOR with regard to waste streams and waste management units.

Date: 07/27/2005 (400167)
Self Report? NO **Classification:** Minor
Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(a)
Rqmt Prov: PERMIT V.A.1.
Description: Permit Provision V. A. 1. -Authorized Units

 The facility did not identify the boiler with a sign indicating it is Permit Unit No. 3.
 This is a violation of the recently issued permit.

 The facility should erect the proper identification for this unit as required by the permit.

Date: 07/31/2005 (575409)
Self Report? YES **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/15/2005 (397447)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT No. 723/PSD-TX-828-M1
Description: Failure to close the block valve to the first stage vacuum jet condenser discharge.

Date: 08/29/2005 (418394)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)
Description: Failure to test within 150 days of start-up.

Date: 08/30/2005 (418292)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA NSR Permit No. 43803 Special Condition 1
Description: Failure to comply with Special Condition No. 1 of NSR permit no. 83803.

Date: 11/04/2005 (435818)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PA 17392 SC No. 4
OP O-02235 SC no. 8

Description: Failure to comply with the VOC emission limit for the tank no. 90480 for the year 2004 as per SC 4 of TCEQ permit no. 17392.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP O-02235 SC 8
PA TCEQ Permit No. 17392 SC 8

Description: Failure to comply with VOC emission limit for the tank no. 91007 for the year 2004 as per SC no. 8 of TCEQ permit no. 17392.

Date: 12/31/2005 (575419)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/10/2006 (440229)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PA SC no. 8 of NSR permit no. 29010

Description: Failure to comply with permitted emission limit of 0.71 tons per year of VOC for the year 2004 for the tank no. 91029 as per Special Condition no. 1 of TCEQ permit no. 29010.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PA SC no. 1 of NSR permit no. 29010

Description: Failure to comply with the permitted emission limit of 6.2 tons per year of VOC for the year 2004 for the tank 96674 as per special condition no. 1 of TCEQ permit no. 29010.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PA NSR permit no. 29010

Description: Failure to comply with the permitted fill rate limit of 100 gallons per minute for the tank no. 91325 as stated in the permit application for the permit no. 29010.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PA NSR permit no. 29010

Description: Failure to comply with the permitted fill rate limit of 125 gallons per minute for the tank no. 91326 as stated in the permit application for the permit no. 29010.

Date: 07/26/2006 (486614)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT No. 8838

Description: Failure to prevent an operator error resulting in power loss at HT2 process unit.

Date: 08/14/2006 (464411)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Operating Permit No. O-02232
PA TCEQ Air Permit No. 48921 SC 6E

Description: Failure to plug an open-ended line.

Date: 08/16/2006 (462093)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: The 2005 deviation report did not include failure to monitor the Decanter water and the Cooling Tower water

Date: 08/30/2006 (489426)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 8838, Special Condition 1

Description: Failure to prevent unauthorized emissions

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

Description: Failure to submit a final report of an emissions event no later than two weeks after the end of the event.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Failure to include in the final report, the authorized emission limits for the facilities involved in an emissions event.

Date: 08/31/2006 (449984)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(e)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01583

Description: failure to comply with SO2 emission standard of 4 lbs per ton of acid produced 3-hour-roll-over emissions to the atmosphere for one of their sulfuric acid unit as per 40 CFR 60.84(e)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PA SC no. 1 of Air Permit No. 751

Description: failure to comply with CO emissions for the year 2004 as per special condition no. 1 of TCEQ permit no. 751.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01583

Description: failure to monitor 12 HON valves between July 28, 2004 through May 31, 2005.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01583

Description: failure to monitor a newly installed HON pump between July 28, 2004 through May 31, 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PA SC No. 8 of TCEQ Air Permit No. 1257A

Description: failure to maintain the temperature of wet crude methyl methacrylate to below 90 degrees F, which is transferred to tanks B-3-13 through B-3-17 as required by Special Condition no. 8 of TCEQ permit No. 1257A.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01583

Description: PA SC no. 1 of AIR Permit No. 1257A

Description: failure to comply with a VOC emissions limit for the tank B-3-8 as per special condition no. 1 of TCEQ permit 1257A.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)

Rqmt Prov: OP O-01583

Description: failure to conduct AVO pump inspection for 23 pumps in the B4 unit from May 20, 2004 through August 1, 2004.

Date: 02/08/2007 (512671)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-02236, SC No. 3(A)(iii)(1)
Description: Failure to perform quarterly observation of visible emissions from a building emission source, enclosed facility, or other structure containing emission sources.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-02236, SC 13
PA NSR Permit No. 8838, SC 1
Description: Failure to comply with Carbon Monoxide (CO) emission limit of NSR Permit No. 8838 for the HT-11 thermal incinerator.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-02236, SC 13
PA NSR Permit No. 8838, SC 1
Description: Failure to comply with NOx emission limits of NSR permit 8838 for the thermal oxidizer.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-02236, SC 13
PA NSR Permit No. 8838, SC 24 A & B
Description: Failure to maintain minimum operating temperature for thermal oxidizer as required by the NSR Permit No. 8838 SC 24 A & B.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-02236, SC 13
PA NSR Permit No. 8838, SC 24A
Description: Failure to maintain minimum oxygen level in the HT-3 thermal oxidizer.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PA NSR Permit No. 8838, SC 1
OP O-02236 SC 13
Description: Failure to meet the minimum net heating value for the flares HT-4 and HT-10.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PA NSR Permi No. 8838, SC 4H
OP O02236 SC No. 13
Description: Failure to repair five leaking fugitive components within 15 days after the leak is discovered.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-02236, SC 13
PA NSR Permit No. 8838 SC 4E
Description: Failure to plug six open-ended lines in light liquid service.

Date: 02/28/2007 (540141)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT TCEQ Permit # 1257 A
Description: Failed to comply with the permitted emission rate for acetone.

Date: 03/15/2007 (543775)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 8838/Special Condition 1

Description: Failed to prevent unauthorized emissions.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failed to submit an initial notification as soon as practicable.

Date: 06/28/2007 (559790)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failed to comply with the emissions events reporting requirements.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT Permit No. 8838/Special Condition No. 1

Description: Failed to prevent unauthorized emissions.

Date: 07/26/2007 (566593)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 8838/Special Condition No. 1

Description: Failed to prevent unauthorized emissions

Date: 08/29/2007 (573797)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP General Terms and Conditions

Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP General Terms and Conditions

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

F. Environmental audits.

Notice of Intent Date: 01/15/2004 (263315)

No DOV Associated

Notice of Intent Date: 06/14/2004 (350744)

No DOV Associated

Notice of Intent Date: 09/15/2005 (434800)

No DOV Associated

Notice of Intent Date: 10/02/2007 (599285)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

**Addendum to Compliance History
Federal Enforcement Actions**

CUSTOMER (Defendant):	ROHM AND HAAS TEXAS INCORPORATED	CUSTOMER NO.:	CN600131395
REGULATED ENTITY:	ROHM & HAAS TEXAS INCORPORATED	REG. ENTITY NO.:	RN100223205
REG. ENTITY ADDRESS:	1900 TIDAL RD.		
REG. ENTITY CITY:	DEER PARK		

Violations

EPA CASE NO.:	06-1999-0944	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	CAA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	
CASE RESULT:	Final Order With Penalty	CITATION:	40 CFR
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	NESHAPs
		VIOLATION TYPE:	Failure to conduct weekly inspections

EPA CASE NO.:	06-1999-0944	CLASSIFICATION:	MINOR
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	CAA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	
		VIOLATION TYPE:	Failure to record meter readings

EPA CASE NO.:	06-1999-0944	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	RCRA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	3002
CASE RESULT:	Final Order With Penalty	CITATION:	40 CFR
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	Solid Waste Management - Sub C
		VIOLATION TYPE:	Cracks in secondary containment

EPA CASE NO.:	06-1999-0944	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	RCRA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	
		VIOLATION TYPE:	Open waste containers/No accum. date

EPA CASE NO.:	06-1999-0944	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	RCRA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	
		VIOLATION TYPE:	Failure to implement schedule for insp.

EPA CASE NO.:	06-1999-0944	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	CWA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	301
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	NPDES - Other Unpermitted Discharge
		VIOLATION TYPE:	Effluent Limit Viol./not otherwise spec.

EPA CASE NO.:	06-1999-0944	CLASSIFICATION:	MINOR
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	CAA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	
		VIOLATION TYPE:	Failure to calibrate detection equipment

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ROHM AND HAAS TEXAS
INCORPORATED
RN100223205**

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§
§
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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-2041-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rohm and Haas Texas Incorporated ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 1900 Tidal Road in Deer Park, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 12, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eighty-One Thousand Four Hundred Dollars (\$81,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirty-Two Thousand Five Hundred Sixty Dollars

(\$32,560) of the administrative penalty and Sixteen Thousand Two Hundred Eighty Dollars (\$16,280) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Thirty-Two Thousand Five Hundred Sixty Dollars (\$32,560) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with the 0.27 pounds per hour ("lbs/hr") nitrogen oxides ("NO_x") emission limit for emission point number ("EPN") N-12, in violation of Air Permit No. 723, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 17, 2007. Specifically, during a November 7, 2006 stack test the NO_x emissions from EPN N-12 were 0.37 lbs/hr.
2. Failed to comply with the 0.27 lbs/hr NO_x emission limit for EPN N-13, in violation of Air Permit No. 723, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 17, 2007. Specifically, during a November 7, 2006 stack test the NO_x emissions from EPN N-13 were 0.38 lbs/hr.
3. Failed to comply with the 1.19 lbs/hr NO_x emission limit for EPN N-14, in violation of Air Permit No. 723, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 17, 2007. Specifically, during a November 7, 2006 stack test the NO_x emissions from EPN N-14 were 1.54 lbs/hr.

4. Failed to comply with the 0.47 lbs/hr NO_x and 0.022 lbs/hr carbon monoxide ("CO") emission limits for EPN N-3, in violation of Air Permit No. 723, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 17, 2007. Specifically, during a November 7, 2006 stack test the emissions from EPN N-3 were 0.52 lbs/hr of NO_x and 0.68 lbs/hr of CO.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rohm and Haas Texas Incorporated, Docket No. 2007-2041-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirty-Two Thousand Five Hundred Sixty Dollars (\$32,560) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit an administratively complete permit amendment application for the emissions from EPNs N-12, N-13, N-14, and N-3, in accordance with 30 TEX. ADMIN. CODE § 116.110(a) to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and

- c. Within 240 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with the existing or amended permit limits for EPNs N-12, N-13, N-14, and N-3, or that operation has ceased until such time that appropriate authorization is obtained.
- d. The written certification required by Ordering Provision 3.c. shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent

receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Rohm and Haas Texas Incorporated
DOCKET NO. 2007-2041-AIR-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Zedler
For the Executive Director

8/8/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Larry E. Schmid
Signature

7/23/2008
Date

LARRY E. SCHMID
Name (Printed or typed)
Authorized Representative of
Rohm and Haas Texas Incorporated

PLANT MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2007-2041-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Rohm and Haas Texas Incorporated
Payable Penalty Amount:	Sixty-Five Thousand One Hundred Twenty Dollars (\$65,120)
SEP Amount:	Thirty-Two Thousand Five Hundred Sixty Dollars (\$32,560)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality.***

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

